## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:15-cr-00244-MOC-DSC

| UNITED STATES OF AMERICA, | ) |       |
|---------------------------|---|-------|
|                           | ) |       |
|                           | ) |       |
|                           | ) |       |
| Vs.                       | ) | ORDER |
|                           | ) |       |
| MICHAEL KIPP              | ) |       |
| JOANNE VIARD,             | ) |       |
|                           | ) |       |
| Defendant.                | ) |       |
|                           |   |       |

**THIS MATTER** is before the court on defendants' Waivers of Jury Trial (#s 113 & 114). After conducting a hearing on such waivers and determining after inquiry that such waivers were knowing and voluntary, the Court has accepted such waivers. The government informed the court at the hearing that it does not oppose a bench trial under Rule 23(a)(2), Federal Rules of Criminal Procedure.

The Court has given careful consideration to the request for a bench trial as the gatekeeper under Rule 23(a)(3). To that end, the Court will conditionally approve the waivers and provide for a bench trial under Rule 23(a). The Court will reserve the right to claw back such decision as the final weeks of pretrial proceedings progress, mindful that while this Court's patience is unlimited, its resources are finite.

## **ORDER**

**IT IS, THEREFORE, ORDERED** that the court will conditionally allow a bench trial in this matter.

Signed: January 30, 2017

Max O. Cogburn Jr United States District Judge